

**EXHIBIT “C”**  
**Deposition transcript of Wesley Pitman**

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

NEFTALI MONTERROSA, et al.,

Plaintiffs,

vs.

CITY OF VALLEJO, et al.,

Defendants.

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CIVIL ACTION NO.:

2:20-cv-01563

VERITEXT VIRTUAL ZOOM DEPOSITION OF WESLEY PITTMAN  
Philadelphia, Pennsylvania  
Tuesday, January 24, 2023  
Volume I

Reported by:

SUSAN SHANSTROM

CSR No. 13526

Job No. 5608851

Pages 1 - 61

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PITTMAN, Volume I, taken on behalf of Plaintiff at 123  
South Broad Street, Suite 2250, Philadelphia,  
Pennsylvania, beginning at 3:35 p.m. EST and ending at  
4:52 p.m. EST, on Tuesday, January 24, 2023, before  
Susan Shanstrom, Certified Shorthand Reporter No. 13526.

1 APPEARANCES:

2 For Plaintiff:

3 (By Zoom videoconference)

4 McELDREW PURTELL

5 BY: JOHN J. COYLE

6 Attorney at Law

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8 Philadelphia, Pennsylvania 19109

9 (215) 545-8800

10 jcoyle@mceldrewyoung.com

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12 For Defendant City of Vallejo:

13 (By Zoom videoconference)

14 CITY OF VALLEJO OFFICE OF THE CITY ATTORNEY

15 BY: KATELYN M. KNIGHT

16 Attorney at Law

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18 Vallejo, California 94590-5922

19 (707) 648-4388

20 katelyn.knight@cityofvallejo.net

1 APPEARANCES (continued):

2 For Jarrett Tonn:

3 (By Zoom videoconference)

4 ANGELO KILDAY & KILDUFF

5 BY: DERICK E. KONZ

6 Attorney at Law

7 601 University Avenue, Suite 150

8 Sacramento, California 95825

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Volume I

BY MR. COYLE

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19 you need to take a break, use the restroom, take a walk,  
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25 change one of your answers or elaborate on one of your



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4 something. You're allowed to do that. All right?

5 A Okay.

6 Q I ask this and I mean no disrespect by it, but I  
7 ask everyone this question: Is there any reason, be it  
8 medication, drugs, alcohol, physical condition or  
9 psychological condition that would impact your ability  
10 to testify truthfully and accurately here today?

11 A No.

12 Q Okay. Have you had the opportunity to speak to  
13 counsel before we get started?

14 A Yes.

15 Q Were you able to review any documents prior to  
16 this deposition to prepare yourself?

17 A Yes.

18 Q What documents did you review?

19 A I reviewed our department's use of force policy,  
20 our department's body camera policy, the OIR report, my  
21 notice of discipline from Chief Williams, and my  
22 transcript from my criminal interview of the incident.

23 Q Did you speak with either Detective Wagoner or  
24 Detective Tonn in preparation for this deposition?

25 A No.

1 Q Do you have any questions before we get started?

2 A Do you mind if I intermittently take a drink of  
3 water? I'll try not to distract anybody.

4 Q Take a drink whenever you need. You'll not  
5 distract us at all. I'm going to do the same thing with  
6 my plastic cup. All right. What's your full name for  
7 the record?

8 A Wesley Pittman.

9 Q And your date of birth?

10 MS. KNIGHT: Objection. Privacy. The witness  
11 can answer how old he is.

12 MR. COYLE: That's fine.

13 BY MR. COYLE:

14 Q How old are you?

15 A 39 years old.

16 Q What's your highest level of education?

17 A I've attended some college.

18 Q I usually ask where people live and the purpose  
19 for that is that, you know, if we go to trial we would  
20 need to subpoena you so you can come testify. My  
21 understanding is you're still employed by the Vallejo  
22 Police Department, correct?

23 A I am.

24 Q Okay. Are you willing to allow Ms. Knight and  
25 the Vallejo Law Department to accept the subpoena on

1       your behalf so we can avoid the need for your address  
2       and that sort of thing?

3       A       Yes.

4       Q       Okay. Perfect. Sir, if you decide to quit your  
5       job and run off somewhere you've got to promise to let  
6       Ms. Knight know where you're going. All right?

7       A       I will do that.

8       Q       Some college. Where did you go?

9       A       Excuse me. I attended Sacramento City College,  
10      American River College and San Joaquin Delta College.

11      Q       Okay. Can you just walk me through when you  
12      went to each?

13      A       I could give you rough estimates of years.

14      Q       That's fine. Just a year.

15      A       Sacramento City College would have been 2003 to  
16      2004. Delta College would have been 2004 to 2005, the  
17      end of 2005. And American River College would have been  
18      from about 2006 to 2007, I guess.

19      Q       Okay. Did you have one major throughout those  
20      time periods?

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25      A       At Delta College it was landscape architecture

1 and drafting, and then later the Police Academy. At  
2 Sacramento City College it was aeronautics, airplane  
3 mechanic, and power plant. And at American River  
4 College it was primarily continued professional training  
5 throughout the public safety center.

6 Q Okay. What year did you graduate high school?

7 A 2002.

8 Q Okay. When did you first begin your career in  
9 law enforcement?

10 A In February of 2006.

11 Q And who was that with?

12 A The City of Galt Police Department.

13 Q Can you spell that for me?

14 A Yes, it's G-a-l-t.

15 Q Okay. When I say for me, I really mean for the  
16 court reporter.

17 And so you went to the Police Academy at Delta  
18 River College?

19 A San Joaquin Delta College.

20 Q And when did you graduate from the Police  
21 Academy.

22 A October of 2005.

23 Q And how long were you with the City of Gault?

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23 Q And how long were you with the City of Gault?

24 A About 11 years. Almost 11 years spot on.

25 Q And then your next employment was with the City



1 of Vallejo?

2 A Correct.

3 Q What made you decide to move from Galt to  
4 Vallejo?

5 A Galt was a very small department with limited  
6 opportunities and limited opportunities to promote. I  
7 had worked a number of special assignments. I was ready  
8 to move on to another agency.

9 Q When you left the City of Galt were you still a  
10 police officer?

11 A Yes.

12 Q Prior to starting with the City of Galt did you  
13 have any other law enforcement employment? By that I  
14 mean corrections, sheriffs, anything like that?

15 A No.

16 Q How about security jobs?

17 A No.

18 Q Did you leave the City of Galt on good terms?

19 A Yes.

20 Q And by on good terms I mean you were not  
21 terminated?

22 A Correct.

23 Q While you were at the City of Galt were you the  
24 defendant in any lawsuits?

25 A No.

1 Q Have you been the defendant in any lawsuits  
2 while you were at the City of Vallejo?

3 A No.

4 Q We'll just look at the ten year period from 2010  
5 to 2020. Were you disciplined either by the City of  
6 Galt or the City of Vallejo? And that's excluding the  
7 reprimand in this case.

8 A No.

9 Q You said you were -- you had a number of  
10 assignments or opportunities while you were with the  
11 City of Galt. Can you tell me what those were and what  
12 you mean by that?

13 A Yes. I was initially assigned to patrolling and  
14 then moved into a narcotic investigator's detective  
15 spot, then moved into a gang investigator's position,  
16 which is a countywide task force in Sacramento County.  
17 I then worked an on a crime suppression team and I  
18 rotated back to patrol after that.

19 Q And you mentioned that Galt was a smaller  
20 department. How big is the City of Galt?

21 A Population-wise or department-wise?

22 Q Both if you know.

23 A Population, estimating about 25,000 people.

24 Q Okay.

25 A The department size is under 40 officers.

1 Q Okay. And they had multiple sort of -- you  
2 mentioned it was Countywide. I'm surprised there were  
3 so many different groups in a department that's so  
4 small. That's why I was confused for a second.

5 When you joined the City of Vallejo you said you  
6 were seeking some new opportunities. What type of  
7 opportunities did you seek out when you first came over?

8 A I just wanted to broaden my horizons and  
9 investigate different types of crimes. Galt was a  
10 fairly small community. It was relatively repetitive, I  
11 guess, in what we were investigating and I just felt I  
12 was getting a little stale and stagnant there. I wanted  
13 to move on to a bigger department into a city that had  
14 more challenging investigations.

15 Q At some point in time you became a member of the  
16 SWAT team with Vallejo, correct?

17 A Yes.

18 Q What year was that?

19 A 2018.

20 Q So you were the same SWAT class as Detective  
21 Wagoner?

22 A I believe he got on a few months before me.

23 Q Okay.

24 A I believe he got on at the beginning of the year  
25 and I was sometime in the middle of the year.

1 Q Okay. How many SWAT classes does Vallejo run a  
2 year?

3 A We don't run our own SWAT classes.

4 Q Yeah, I apologize. How many opportunities are  
5 there to take the SWAT class as a Vallejo officer here?

6 A If you're referring to the testing process, we  
7 generally test once every year.

8 Q Okay. Were you a member of the CRT?

9 A Yes.

10 Q When did you join CRT?

11 A In May of 2020.

12 Q So just about a month or maybe just a few weeks  
13 before the shooting of Mr. Monterrosa?

14 A Correct.

15 Q Were you a member of any other teams or task  
16 forces with the Vallejo Police Department?

17 A No.

18 Q Can you explain to me what your understanding of  
19 your duties with the CRT were?

20 A We had a number of different duties. We engage  
21 in surveillance. We engage in gang enforcement, gang  
22 investigations, narcotics investigations, fugitive  
23 apprehensions. Those are generally -- those are our  
24 major duties.

25 Q And am I correct that CRT is primarily a plain

1 clothes job?

2 A Primarily, yes.

3 Q Except for maybe when you're serving a warrant  
4 or trying to take down a fugitive, something like that?

5 A That's correct.

6 Q And what is the qualification process to become  
7 a member of the CRT?

8 A There was a -- we submitted a written  
9 application or -- I don't know what we call it  
10 necessarily, but application or a letter of interest or  
11 something like that that you would submit through your  
12 supervisor. There was an interview with the  
13 investigations sergeant and the investigations  
14 lieutenant.

15 Q The investigations sergeant and lieutenant, was  
16 that for the CRT team?

17 A That was for -- yes. I'm sorry, it was actually  
18 the investigations sergeant and the CRT sergeant, not  
19 the lieutenant.

20 Q Okay. And what type of things were talked about  
21 during that interview?

22 A We discussed training and experience, what we  
23 anticipated the job was going to entail, the roles and  
24 responsibilities, kind of background cases that we've  
25 investigated. You know, do we have a firm understanding

1 of the investigative technique and case law and that  
2 kind of stuff.

3 Q Was there any specialized training for the CRT  
4 team?

5 A To get on the team or after -- after being  
6 assigned to the team?

7 Q So first we'll say to get on the team. Like  
8 SWAT, you have to go to SWAT school, right? Is there a  
9 CRT school?

10 A No.

11 Q Was there any specialized training after you  
12 became a member of team?

13 A Yes.

14 Q What was that?

15 A We -- there is a number of different training  
16 courses that we individually attended or attended as a  
17 group, and they were everything from search warrant  
18 writing, cell phone investigations, surveillance  
19 training, asset forfeiture training. Really kind of a  
20 span of whatever our duties were there was something  
21 relevant to those and we attended the training course.

22 Q Am I correct that the majority of the CRT  
23 specific training was aimed towards the investigative  
24 side of policing?

25 A Yes.

1 Q I want to switch gears and talk about your SWAT  
2 experience. What was the process of joining the SWAT  
3 team?

4 A There was the letter of interest or submission  
5 of letter of interest through the chain of command.  
6 There is a physical agility test. There was a range  
7 qualification and finally an interview, an interview  
8 process.

9 Q And you had to go to SWAT school, correct?

10 A Once -- once we were on the team we were sent to  
11 SWAT school.

12 Q Okay. And how long was SWAT school?

13 A Two weeks.

14 Q And did you do that out of Pinnacle Tactical?

15 A Yes.

16 Q My understanding is that on the date of  
17 Mr. Monterrosa's shooting you were equipped out like you  
18 would be for a SWAT operation; is that accurate?

19 A Yes.

20 Q Okay. Can you walk me through what your  
21 equipment loadout was on that day?

22 A Yes. Sorry. Let me correct myself there. It  
23 was a hybrid of gear that we would wear on CRT, and some  
24 gear that we would wear on the SWAT deployment.

25 Q As you walk me through what your loadout was,

1 let me know whether it's CRT specific or for SWAT  
2 specific.

3 A There is a lot of crossover in what we --

4 Q Sure.

5 A -- carry.

6 Q Sure.

7 A Generally we carry a handgun; pistol magazine;  
8 handcuffs; a TASER; a radio; essentially a rifle  
9 magazine; identifying patches, so like a police patch  
10 and a police badge or a cloth badge; and maybe just some  
11 administrative gear, notepad, pencil, that kind of  
12 stuff.

13 Q Okay. On the date of Mr. Monterrosa's shooting  
14 were you equipped with a rifle?

15 A I may have had it in the vehicle but I was not  
16 deploying it.

17 Q How about a gas grenade?

18 A I was carrying a flashbang for noise and flash  
19 distraction.

20 Q Okay. The SWAT rifle in 2020, do you remember  
21 what your SWAT rifle was?

22 A Yes.

23 Q Can you tell me the manufacturer and the  
24 specifications?

25 A It was a Colt Commando, which was an AR-15 style



1 rifle.

2 Q And the Commando model had a toggle that allowed  
3 you to go between automatic and semiautomatic?

4 A Yes.

5 Q And it was equipped with a suppressor, correct?

6 A Correct.

7 Q And was that the standard rifle for all members  
8 of the SWAT team at that point in time?

9 A Yes.

10 Q During your time with the City of Galt did you  
11 ever discharge your firearm in line of duty? And when I  
12 say in the line of duty I don't mean at the range. I  
13 mean in policing activities outside the range.

14 A I had to shoot a dog one time.

15 Q Okay. Do you remember what year that was?

16 A Maybe 2009.

17 Q How about while you were with the City of  
18 Vallejo, did you ever have to discharge your firearm in  
19 the line of duty?

20 A No.

21 Q While you were with the City of Vallejo have you  
22 been present at the scene while another officer  
23 discharged their firearm in the line of duty --

24 A No?

25 Q -- other than the incident with Mr. Monterrosa?

1 A No.

2 Q You may have seen in the media and in the press  
3 some allegations that came out around the time of  
4 Mr. Monterrosa's death about a tradition or custom --  
5 alleged tradition or custom of badge bending within the  
6 Vallejo Police Department. Do you remember hearing  
7 about those allegations?

8 A Yes.

9 Q Were they discussed among members of the Police  
10 Department?

11 A They were not. I was unaware of the allegations  
12 until they came forward in the media.

13 Q Sure. That was a very clunky question. I  
14 apologize. I mean, when the media released the story  
15 did it become a topic of conversation within the Police  
16 Department?

17 A Yes.

18 Q Did you speak to any officers who admitted to  
19 knowing about that practice before the investigation?

20 A No.

21 Q Did you have any knowledge of that practice  
22 prior to the investigation -- prior to the media  
23 reports?

24 A No.

25 Q It's my understanding that Detective Tonn had

1       been a member of the Department for nearly as long as  
2       you. Had you worked closely with him prior to June of  
3       2020?

4       A       I had worked assisting CRT on occasion in the  
5       year leading up to this but it was no -- there was no  
6       regularity or frequency with it.

7       Q       So he wasn't a regular partner or teammate in  
8       the years before?

9       A       With the exception of being on SWAT, no.

10      Q       Okay. And how often would you be deployed  
11      together on SWAT?

12      A       I could give you an estimate of --

13      Q       That's fine.

14      A       -- less than ten deployments a year.

15      Q       And to the best of your knowledge how many  
16      members of the SWAT team were there during your time on  
17      the team?

18      A       At the time?

19      Q       Yeah.

20      A       Maybe 12 or 14.

21      Q       Prior to the shooting of Mr. Monterrosa  
22      Detective Tonn had a number of other shootings. Did you  
23      ever discuss any of those other prior shootings with  
24      him?

25      A       I'm sure I have, yes.

1 Q Do you remember which ones you spoke to him  
2 about?

3 A No.

4 Q Were those conversations substantive about what  
5 happened or just, you know, kind of, hey, how are you  
6 doing?

7 A It was more of just a generalized conversation  
8 about the incident.

9 Q Did your shifts change when you went from patrol  
10 to the CRT team in May of 2020?

11 A Yes.

12 Q Okay. So when you started with CRT in May of  
13 2020, what was your -- did you have a standard shift?

14 A Yes. It would have been Tuesday through Friday  
15 and I think we were generally working 8:00 to 5:00 or  
16 8:00 to 6:00.

17 Q Is that 8:00 a.m. to 5:00 p.m., or 8:00 p.m. to  
18 5:00 a.m.?

19 A The first one. I'm sorry. 8:00 a.m. to 5:00 or  
20 6:00 p.m.

21 Q Day shift?

22 A Day shift, yes.

23 Q Did you have a standard partner or group that  
24 you worked with?

25 A Not a standard partner, no.

1 Q My understanding is that when you're on the CRT  
2 team you have your own assigned undercover vehicle?

3 A That is correct.

4 Q So take-home vehicle is with you all the time?

5 A Yes.

6 Q Do you keep your SWAT gear in that vehicle?

7 A Yes.

8 Q In the days leading up to the shooting of  
9 Mr. Monterrosa there was some unrest in -- well, across  
10 the country but also in Vallejo, in the Bay area. Would  
11 you agree with that?

12 A Yes.

13 Q Walk me through what you remember happening in  
14 the days leading up to the Monterrosa shooting?

15 A So I think one of the ones that really stands  
16 out to me was the -- I believe this was a day or two  
17 prior to that shooting, was the federal officer that was  
18 shot in downtown Oakland during a protest or riot.  
19 Generally I was aware of the unrest and violence that  
20 was occurring all over the country.

21 Specific to Vallejo, the day before there was a  
22 large protest at the Police Department. They attempted  
23 to overtake the Police Department and force their way  
24 into the doors before being eventually repelled.

25 Q Were you on duty when that happened?

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2 team you have your own assigned undercover vehicle?

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20 was occurring all over the country.

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22 large protest at the Police Department. They attempted  
23 to overtake the Police Department and force their way  
24 into the doors before being eventually repelled.

25 Q Were you on duty when that happened?

1 A No.

2 Q Had you been called in for any extra shift in  
3 the days prior to Mr. Monterrosa's shooting?

4 A No.

5 Q Okay. Was it your normal shift on January  
6 2nd -- sorry. It's been a long day. It's nearly 4:00  
7 on the East Coast -- on June 2nd, 2020?

8 A No, that was not my standard shift.

9 Q Okay. Thank you. Do you remember what time of  
10 day it was that you got the call that they needed you to  
11 come in?

12 A It was early in the evening. I'm going to  
13 estimate 5:00 to 6:00 p.m.

14 Q Do you remember who called you?

15 A I do not.

16 Q Do you remember when they called you whether you  
17 were being called in for a CRT shift or a SWAT shift?

18 A We were being called in for SWAT.

19 Q So when you come in where do you report to?

20 A We initially responded to our CRT office where  
21 we collected some gear and then we responded out to the  
22 command post located at Best Buy.

23 Q And that's in the -- the Gateway Plaza?

24 A That's correct.

25 Q When you were at the CRT office my

1 understanding, in talking to Detective Wagoner, was that  
2 there really wasn't any assignment of who rides with  
3 who; it was just kind of an ad hoc process. Is that  
4 your recollection, as well?

5 A That's correct.

6 Q Do you remember how you ended up with Detective  
7 Wagoner and Detective Tonn?

8 A Well, all three of us were on the SWAT team.  
9 There was one remaining member of CRT who was not on  
10 SWAT. So we knew that we were going to be going to the  
11 SWAT command post, so we all just road up there  
12 together.

13 Q Okay. The other SWAT officers that were called  
14 in that night, they didn't report to a CRT headquarters  
15 first, did they?

16 A They did not.

17 Q They reported, you know, maybe to headquarters,  
18 but eventually you all gathered up at the Best Buy?

19 A That's correct.

20 Q Okay. I know it was Detective Wagoner's car so  
21 that's why he was driving, but was there any discussion  
22 as to who sat in the front or the back?

23 A Not that I recall.

24 Q Okay. When you get out to the command post of  
25 the Best Buy what do you recall happening?



1           A           Lieutenant Bob Knight, who is our SWAT  
2           commander, gave a briefing, outlined what the situation  
3           was and what the -- generally what the mission of the  
4           night was and designated some assignments and that's the  
5           extent of what I remember.

6           Q           Okay. What do you recall the mission of the  
7           night to be?

8           A           I don't recall specifically what it was.

9           Q           Okay. Do you recall whether you were tasked  
10          with any particular assignment during that briefing?

11          A           From my recollection Lieutenant Knight was  
12          handing out small assignments to check certain high  
13          value businesses, gun stores, pharmacies that kind of  
14          stuff. Other officers -- other SWAT officers had  
15          different assignments. That was one that he assigned us  
16          to take care of.

17          Q           He assigned you to go check to a gun store?

18          A           That was one -- that was our first assignment,  
19          was to verify that this gun store was -- there was a  
20          report that it was being looted and he asked us to go  
21          check it.

22          Q           Do you remember how that report came in? Was it  
23          a 911 call or an officer radio or --

24          A           I believe it was a 911 call.

25          Q           Okay. And when you got to the gun store was it

**EXHIBIT “C”**  
**Deposition transcript of Wesley Pitman**

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**Deposition transcript of Wesley Pitman**

UNITED STATES DISTRICT COURT  
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CIVIL ACTION NO.:

2:20-cv-01563

VERITEXT VIRTUAL ZOOM DEPOSITION OF WESLEY PITTMAN  
Philadelphia, Pennsylvania  
Tuesday, January 24, 2023  
Volume I

Reported by:

SUSAN SHANSTROM

CSR No. 13526

Job No. 5608851

Pages 1 - 61

UNITED STATES DISTRICT COURT  
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Veritext Virtual Zoom Deposition of WESLEY  
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4:52 p.m. EST, on Tuesday, January 24, 2023, before  
Susan Shanstrom, Certified Shorthand Reporter No. 13526.



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WITNESS

EXAMINATION

WESLEY PITTMAN

Volume I

BY MR. COYLE

6

BY MR. KONZ

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EXHIBITS

NUMBER

DESCRIPTION

PAGE

No Exhibits Marked

1 Philadelphia, Pennsylvania, Tuesday, January 24, 2023

2 3:35 p.m. EST

3  
4 WESLEY PITTMAN,

5 having been administered an oath, was examined and  
6 testified as follows:

7 - - -

8 EXAMINATION

9 BY MR. COYLE:

10 Q Good afternoon, Officer Pittman. My name is  
11 John Coyle from McEldrew Purtell. We're here for your  
12 deposition. Have you ever had your deposition taken  
13 before?

14 A No.

15 Q Okay. I'll go through a series of instructions  
16 to make this go as smoothly and quickly as possible. So  
17 first and foremost you're under oath. So just like in a  
18 court of law, you're obligated to tell the truth. Do  
19 you understand that?

20 A Yes.

21 Q Okay. Second, the court reporter is taking a  
22 written record of everything we say here today so keep a  
23 few things in mind. First, things like uh-huh, huh-uh,  
24 nods of the head, shrugs of the shoulders, they don't  
25 translate to a written record very well so you have to

1 use words like "yes" and "no". Do you understand?

2 A I do.

3 Q Second, it's very much human nature to  
4 anticipate my question and want to chime in and answer  
5 it, but that leads to a really messy record. So try to  
6 wait until I'm done to begin your answer and I'll,  
7 likewise, do the same. All right?

8 A Sounds good to me.

9 Q This isn't a memory test here today. If you  
10 can't remember something or you don't recall something,  
11 saying I don't remember or I don't recall is a perfectly  
12 acceptable answer. If you're going to estimate  
13 something, be it time or distance, I only ask that you  
14 warn us that you're estimating and say I'm estimating  
15 that it was 20 feet, something like that.

16 A Sounds good.

17 Q I don't think we'll be here really long,  
18 probably under two hours, but at any point in time if  
19 you need to take a break, use the restroom, take a walk,  
20 whatever it may be, that's perfectly fine. I only ask  
21 that if I've asked a question you answer it before you  
22 take that break. All right?

23 A Okay.

24 Q Okay. If at any point in time you want to  
25 change one of your answers or elaborate on one of your

1 answers that you've already given you're allowed to do  
2 that. Just let me know, say I was thinking about that  
3 question and I want to clarify or I want to add  
4 something. You're allowed to do that. All right?

5 A Okay.

6 Q I ask this and I mean no disrespect by it, but I  
7 ask everyone this question: Is there any reason, be it  
8 medication, drugs, alcohol, physical condition or  
9 psychological condition that would impact your ability  
10 to testify truthfully and accurately here today?

11 A No.

12 Q Okay. Have you had the opportunity to speak to  
13 counsel before we get started?

14 A Yes.

15 Q Were you able to review any documents prior to  
16 this deposition to prepare yourself?

17 A Yes.

18 Q What documents did you review?

19 A I reviewed our department's use of force policy,  
20 our department's body camera policy, the OIR report, my  
21 notice of discipline from Chief Williams, and my  
22 transcript from my criminal interview of the incident.

23 Q Did you speak with either Detective Wagoner or  
24 Detective Tonn in preparation for this deposition?

25 A No.

1 Q Do you have any questions before we get started?

2 A Do you mind if I intermittently take a drink of  
3 water? I'll try not to distract anybody.

4 Q Take a drink whenever you need. You'll not  
5 distract us at all. I'm going to do the same thing with  
6 my plastic cup. All right. What's your full name for  
7 the record?

8 A Wesley Pittman.

9 Q And your date of birth?

10 MS. KNIGHT: Objection. Privacy. The witness  
11 can answer how old he is.

12 MR. COYLE: That's fine.

13 BY MR. COYLE:

14 Q How old are you?

15 A 39 years old.

16 Q What's your highest level of education?

17 A I've attended some college.

18 Q I usually ask where people live and the purpose  
19 for that is that, you know, if we go to trial we would  
20 need to subpoena you so you can come testify. My  
21 understanding is you're still employed by the Vallejo  
22 Police Department, correct?

23 A I am.

24 Q Okay. Are you willing to allow Ms. Knight and  
25 the Vallejo Law Department to accept the subpoena on

1       your behalf so we can avoid the need for your address  
2       and that sort of thing?

3       A       Yes.

4       Q       Okay. Perfect. Sir, if you decide to quit your  
5       job and run off somewhere you've got to promise to let  
6       Ms. Knight know where you're going. All right?

7       A       I will do that.

8       Q       Some college. Where did you go?

9       A       Excuse me. I attended Sacramento City College,  
10      American River College and San Joaquin Delta College.

11      Q       Okay. Can you just walk me through when you  
12      went to each?

13      A       I could give you rough estimates of years.

14      Q       That's fine. Just a year.

15      A       Sacramento City College would have been 2003 to  
16      2004. Delta College would have been 2004 to 2005, the  
17      end of 2005. And American River College would have been  
18      from about 2006 to 2007, I guess.

19      Q       Okay. Did you have one major throughout those  
20      time periods?

21      A       I had a couple of different areas where I was --  
22      no declared major but I had a couple areas where I was  
23      studying.

24      Q       What sort of things were you focusing on?

25      A       At Delta College it was landscape architecture



1 and drafting, and then later the Police Academy. At  
2 Sacramento City College it was aeronautics, airplane  
3 mechanic, and power plant. And at American River  
4 College it was primarily continued professional training  
5 throughout the public safety center.

6 Q Okay. What year did you graduate high school?

7 A 2002.

8 Q Okay. When did you first begin your career in  
9 law enforcement?

10 A In February of 2006.

11 Q And who was that with?

12 A The City of Galt Police Department.

13 Q Can you spell that for me?

14 A Yes, it's G-a-l-t.

15 Q Okay. When I say for me, I really mean for the  
16 court reporter.

17 And so you went to the Police Academy at Delta  
18 River College?

19 A San Joaquin Delta College.

20 Q And when did you graduate from the Police  
21 Academy.

22 A October of 2005.

23 Q And how long were you with the City of Gault?

24 A About 11 years. Almost 11 years spot on.

25 Q And then your next employment was with the City

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1 use words like "yes" and "no". Do you understand?

2 A I do.

3 Q Second, it's very much human nature to  
4 anticipate my question and want to chime in and answer  
5 it, but that leads to a really messy record. So try to  
6 wait until I'm done to begin your answer and I'll,  
7 likewise, do the same. All right?

8 A Sounds good to me.

9 Q This isn't a memory test here today. If you  
10 can't remember something or you don't recall something,  
11 saying I don't remember or I don't recall is a perfectly  
12 acceptable answer. If you're going to estimate  
13 something, be it time or distance, I only ask that you  
14 warn us that you're estimating and say I'm estimating  
15 that it was 20 feet, something like that.

16 A Sounds good.

17 Q I don't think we'll be here really long,  
18 probably under two hours, but at any point in time if  
19 you need to take a break, use the restroom, take a walk,  
20 whatever it may be, that's perfectly fine. I only ask  
21 that if I've asked a question you answer it before you  
22 take that break. All right?

23 A Okay.

24 Q Okay. If at any point in time you want to  
25 change one of your answers or elaborate on one of your

1 answers that you've already given you're allowed to do  
2 that. Just let me know, say I was thinking about that  
3 question and I want to clarify or I want to add  
4 something. You're allowed to do that. All right?

5 A Okay.

6 Q I ask this and I mean no disrespect by it, but I  
7 ask everyone this question: Is there any reason, be it  
8 medication, drugs, alcohol, physical condition or  
9 psychological condition that would impact your ability  
10 to testify truthfully and accurately here today?

11 A No.

12 Q Okay. Have you had the opportunity to speak to  
13 counsel before we get started?

14 A Yes.

15 Q Were you able to review any documents prior to  
16 this deposition to prepare yourself?

17 A Yes.

18 Q What documents did you review?

19 A I reviewed our department's use of force policy,  
20 our department's body camera policy, the OIR report, my  
21 notice of discipline from Chief Williams, and my  
22 transcript from my criminal interview of the incident.

23 Q Did you speak with either Detective Wagoner or  
24 Detective Tonn in preparation for this deposition?

25 A No.

1 Q Do you have any questions before we get started?

2 A Do you mind if I intermittently take a drink of  
3 water? I'll try not to distract anybody.

4 Q Take a drink whenever you need. You'll not  
5 distract us at all. I'm going to do the same thing with  
6 my plastic cup. All right. What's your full name for  
7 the record?

8 A Wesley Pittman.

9 Q And your date of birth?

10 MS. KNIGHT: Objection. Privacy. The witness  
11 can answer how old he is.

12 MR. COYLE: That's fine.

13 BY MR. COYLE:

14 Q How old are you?

15 A 39 years old.

16 Q What's your highest level of education?

17 A I've attended some college.

18 Q I usually ask where people live and the purpose  
19 for that is that, you know, if we go to trial we would  
20 need to subpoena you so you can come testify. My  
21 understanding is you're still employed by the Vallejo  
22 Police Department, correct?

23 A I am.

24 Q Okay. Are you willing to allow Ms. Knight and  
25 the Vallejo Law Department to accept the subpoena on

1       your behalf so we can avoid the need for your address  
2       and that sort of thing?

3       A       Yes.

4       Q       Okay. Perfect. Sir, if you decide to quit your  
5       job and run off somewhere you've got to promise to let  
6       Ms. Knight know where you're going. All right?

7       A       I will do that.

8       Q       Some college. Where did you go?

9       A       Excuse me. I attended Sacramento City College,  
10      American River College and San Joaquin Delta College.

11      Q       Okay. Can you just walk me through when you  
12      went to each?

13      A       I could give you rough estimates of years.

14      Q       That's fine. Just a year.

15      A       Sacramento City College would have been 2003 to  
16      2004. Delta College would have been 2004 to 2005, the  
17      end of 2005. And American River College would have been  
18      from about 2006 to 2007, I guess.

19      Q       Okay. Did you have one major throughout those  
20      time periods?

21      A       I had a couple of different areas where I was --  
22      no declared major but I had a couple areas where I was  
23      studying.

24      Q       What sort of things were you focusing on?

25      A       At Delta College it was landscape architecture

1 and drafting, and then later the Police Academy. At  
2 Sacramento City College it was aeronautics, airplane  
3 mechanic, and power plant. And at American River  
4 College it was primarily continued professional training  
5 throughout the public safety center.

6 Q Okay. What year did you graduate high school?

7 A 2002.

8 Q Okay. When did you first begin your career in  
9 law enforcement?

10 A In February of 2006.

11 Q And who was that with?

12 A The City of Galt Police Department.

13 Q Can you spell that for me?

14 A Yes, it's G-a-l-t.

15 Q Okay. When I say for me, I really mean for the  
16 court reporter.

17 And so you went to the Police Academy at Delta  
18 River College?

19 A San Joaquin Delta College.

20 Q And when did you graduate from the Police  
21 Academy.

22 A October of 2005.

23 Q And how long were you with the City of Gault?

24 A About 11 years. Almost 11 years spot on.

25 Q And then your next employment was with the City

1 of Vallejo?

2 A Correct.

3 Q What made you decide to move from Galt to  
4 Vallejo?

5 A Galt was a very small department with limited  
6 opportunities and limited opportunities to promote. I  
7 had worked a number of special assignments. I was ready  
8 to move on to another agency.

9 Q When you left the City of Galt were you still a  
10 police officer?

11 A Yes.

12 Q Prior to starting with the City of Galt did you  
13 have any other law enforcement employment? By that I  
14 mean corrections, sheriffs, anything like that?

15 A No.

16 Q How about security jobs?

17 A No.

18 Q Did you leave the City of Galt on good terms?

19 A Yes.

20 Q And by on good terms I mean you were not  
21 terminated?

22 A Correct.

23 Q While you were at the City of Galt were you the  
24 defendant in any lawsuits?

25 A No.

1 Q Have you been the defendant in any lawsuits  
2 while you were at the City of Vallejo?

3 A No.

4 Q We'll just look at the ten year period from 2010  
5 to 2020. Were you disciplined either by the City of  
6 Galt or the City of Vallejo? And that's excluding the  
7 reprimand in this case.

8 A No.

9 Q You said you were -- you had a number of  
10 assignments or opportunities while you were with the  
11 City of Galt. Can you tell me what those were and what  
12 you mean by that?

13 A Yes. I was initially assigned to patrolling and  
14 then moved into a narcotic investigator's detective  
15 spot, then moved into a gang investigator's position,  
16 which is a countywide task force in Sacramento County.  
17 I then worked an on a crime suppression team and I  
18 rotated back to patrol after that.

19 Q And you mentioned that Galt was a smaller  
20 department. How big is the City of Galt?

21 A Population-wise or department-wise?

22 Q Both if you know.

23 A Population, estimating about 25,000 people.

24 Q Okay.

25 A The department size is under 40 officers.

1 Q Okay. And they had multiple sort of -- you  
2 mentioned it was Countywide. I'm surprised there were  
3 so many different groups in a department that's so  
4 small. That's why I was confused for a second.

5 When you joined the City of Vallejo you said you  
6 were seeking some new opportunities. What type of  
7 opportunities did you seek out when you first came over?

8 A I just wanted to broaden my horizons and  
9 investigate different types of crimes. Galt was a  
10 fairly small community. It was relatively repetitive, I  
11 guess, in what we were investigating and I just felt I  
12 was getting a little stale and stagnant there. I wanted  
13 to move on to a bigger department into a city that had  
14 more challenging investigations.

15 Q At some point in time you became a member of the  
16 SWAT team with Vallejo, correct?

17 A Yes.

18 Q What year was that?

19 A 2018.

20 Q So you were the same SWAT class as Detective  
21 Wagoner?

22 A I believe he got on a few months before me.

23 Q Okay.

24 A I believe he got on at the beginning of the year  
25 and I was sometime in the middle of the year.



1 Q Okay. How many SWAT classes does Vallejo run a  
2 year?

3 A We don't run our own SWAT classes.

4 Q Yeah, I apologize. How many opportunities are  
5 there to take the SWAT class as a Vallejo officer here?

6 A If you're referring to the testing process, we  
7 generally test once every year.

8 Q Okay. Were you a member of the CRT?

9 A Yes.

10 Q When did you join CRT?

11 A In May of 2020.

12 Q So just about a month or maybe just a few weeks  
13 before the shooting of Mr. Monterrosa?

14 A Correct.

15 Q Were you a member of any other teams or task  
16 forces with the Vallejo Police Department?

17 A No.

18 Q Can you explain to me what your understanding of  
19 your duties with the CRT were?

20 A We had a number of different duties. We engage  
21 in surveillance. We engage in gang enforcement, gang  
22 investigations, narcotics investigations, fugitive  
23 apprehensions. Those are generally -- those are our  
24 major duties.

25 Q And am I correct that CRT is primarily a plain

1 clothes job?

2 A Primarily, yes.

3 Q Except for maybe when you're serving a warrant  
4 or trying to take down a fugitive, something like that?

5 A That's correct.

6 Q And what is the qualification process to become  
7 a member of the CRT?

8 A There was a -- we submitted a written  
9 application or -- I don't know what we call it  
10 necessarily, but application or a letter of interest or  
11 something like that that you would submit through your  
12 supervisor. There was an interview with the  
13 investigations sergeant and the investigations  
14 lieutenant.

15 Q The investigations sergeant and lieutenant, was  
16 that for the CRT team?

17 A That was for -- yes. I'm sorry, it was actually  
18 the investigations sergeant and the CRT sergeant, not  
19 the lieutenant.

20 Q Okay. And what type of things were talked about  
21 during that interview?

22 A We discussed training and experience, what we  
23 anticipated the job was going to entail, the roles and  
24 responsibilities, kind of background cases that we've  
25 investigated. You know, do we have a firm understanding

1 of the investigative technique and case law and that  
2 kind of stuff.

3 Q Was there any specialized training for the CRT  
4 team?

5 A To get on the team or after -- after being  
6 assigned to the team?

7 Q So first we'll say to get on the team. Like  
8 SWAT, you have to go to SWAT school, right? Is there a  
9 CRT school?

10 A No.

11 Q Was there any specialized training after you  
12 became a member of team?

13 A Yes.

14 Q What was that?

15 A We -- there is a number of different training  
16 courses that we individually attended or attended as a  
17 group, and they were everything from search warrant  
18 writing, cell phone investigations, surveillance  
19 training, asset forfeiture training. Really kind of a  
20 span of whatever our duties were there was something  
21 relevant to those and we attended the training course.

22 Q Am I correct that the majority of the CRT  
23 specific training was aimed towards the investigative  
24 side of policing?

25 A Yes.

1 Q I want to switch gears and talk about your SWAT  
2 experience. What was the process of joining the SWAT  
3 team?

4 A There was the letter of interest or submission  
5 of letter of interest through the chain of command.  
6 There is a physical agility test. There was a range  
7 qualification and finally an interview, an interview  
8 process.

9 Q And you had to go to SWAT school, correct?

10 A Once -- once we were on the team we were sent to  
11 SWAT school.

12 Q Okay. And how long was SWAT school?

13 A Two weeks.

14 Q And did you do that out of Pinnacle Tactical?

15 A Yes.

16 Q My understanding is that on the date of  
17 Mr. Monterrosa's shooting you were equipped out like you  
18 would be for a SWAT operation; is that accurate?

19 A Yes.

20 Q Okay. Can you walk me through what your  
21 equipment loadout was on that day?

22 A Yes. Sorry. Let me correct myself there. It  
23 was a hybrid of gear that we would wear on CRT, and some  
24 gear that we would wear on the SWAT deployment.

25 Q As you walk me through what your loadout was,

1 let me know whether it's CRT specific or for SWAT  
2 specific.

3 A There is a lot of crossover in what we --

4 Q Sure.

5 A -- carry.

6 Q Sure.

7 A Generally we carry a handgun; pistol magazine;  
8 handcuffs; a TASER; a radio; essentially a rifle  
9 magazine; identifying patches, so like a police patch  
10 and a police badge or a cloth badge; and maybe just some  
11 administrative gear, notepad, pencil, that kind of  
12 stuff.

13 Q Okay. On the date of Mr. Monterrosa's shooting  
14 were you equipped with a rifle?

15 A I may have had it in the vehicle but I was not  
16 deploying it.

17 Q How about a gas grenade?

18 A I was carrying a flashbang for noise and flash  
19 distraction.

20 Q Okay. The SWAT rifle in 2020, do you remember  
21 what your SWAT rifle was?

22 A Yes.

23 Q Can you tell me the manufacturer and the  
24 specifications?

25 A It was a Colt Commando, which was an AR-15 style

1 rifle.

2 Q And the Commando model had a toggle that allowed  
3 you to go between automatic and semiautomatic?

4 A Yes.

5 Q And it was equipped with a suppressor, correct?

6 A Correct.

7 Q And was that the standard rifle for all members  
8 of the SWAT team at that point in time?

9 A Yes.

10 Q During your time with the City of Galt did you  
11 ever discharge your firearm in line of duty? And when I  
12 say in the line of duty I don't mean at the range. I  
13 mean in policing activities outside the range.

14 A I had to shoot a dog one time.

15 Q Okay. Do you remember what year that was?

16 A Maybe 2009.

17 Q How about while you were with the City of  
18 Vallejo, did you ever have to discharge your firearm in  
19 the line of duty?

20 A No.

21 Q While you were with the City of Vallejo have you  
22 been present at the scene while another officer  
23 discharged their firearm in the line of duty --

24 A No?

25 Q -- other than the incident with Mr. Monterrosa?

1 A No.

2 Q You may have seen in the media and in the press  
3 some allegations that came out around the time of  
4 Mr. Monterrosa's death about a tradition or custom --  
5 alleged tradition or custom of badge bending within the  
6 Vallejo Police Department. Do you remember hearing  
7 about those allegations?

8 A Yes.

9 Q Were they discussed among members of the Police  
10 Department?

11 A They were not. I was unaware of the allegations  
12 until they came forward in the media.

13 Q Sure. That was a very clunky question. I  
14 apologize. I mean, when the media released the story  
15 did it become a topic of conversation within the Police  
16 Department?

17 A Yes.

18 Q Did you speak to any officers who admitted to  
19 knowing about that practice before the investigation?

20 A No.

21 Q Did you have any knowledge of that practice  
22 prior to the investigation -- prior to the media  
23 reports?

24 A No.

25 Q It's my understanding that Detective Tonn had

1       been a member of the Department for nearly as long as  
2       you. Had you worked closely with him prior to June of  
3       2020?

4       A       I had worked assisting CRT on occasion in the  
5       year leading up to this but it was no -- there was no  
6       regularity or frequency with it.

7       Q       So he wasn't a regular partner or teammate in  
8       the years before?

9       A       With the exception of being on SWAT, no.

10      Q       Okay. And how often would you be deployed  
11      together on SWAT?

12      A       I could give you an estimate of --

13      Q       That's fine.

14      A       -- less than ten deployments a year.

15      Q       And to the best of your knowledge how many  
16      members of the SWAT team were there during your time on  
17      the team?

18      A       At the time?

19      Q       Yeah.

20      A       Maybe 12 or 14.

21      Q       Prior to the shooting of Mr. Monterrosa  
22      Detective Tonn had a number of other shootings. Did you  
23      ever discuss any of those other prior shootings with  
24      him?

25      A       I'm sure I have, yes.



1 Q Do you remember which ones you spoke to him  
2 about?

3 A No.

4 Q Were those conversations substantive about what  
5 happened or just, you know, kind of, hey, how are you  
6 doing?

7 A It was more of just a generalized conversation  
8 about the incident.

9 Q Did your shifts change when you went from patrol  
10 to the CRT team in May of 2020?

11 A Yes.

12 Q Okay. So when you started with CRT in May of  
13 2020, what was your -- did you have a standard shift?

14 A Yes. It would have been Tuesday through Friday  
15 and I think we were generally working 8:00 to 5:00 or  
16 8:00 to 6:00.

17 Q Is that 8:00 a.m. to 5:00 p.m., or 8:00 p.m. to  
18 5:00 a.m.?

19 A The first one. I'm sorry. 8:00 a.m. to 5:00 or  
20 6:00 p.m.

21 Q Day shift?

22 A Day shift, yes.

23 Q Did you have a standard partner or group that  
24 you worked with?

25 A Not a standard partner, no.

1 Q My understanding is that when you're on the CRT  
2 team you have your own assigned undercover vehicle?

3 A That is correct.

4 Q So take-home vehicle is with you all the time?

5 A Yes.

6 Q Do you keep your SWAT gear in that vehicle?

7 A Yes.

8 Q In the days leading up to the shooting of  
9 Mr. Monterrosa there was some unrest in -- well, across  
10 the country but also in Vallejo, in the Bay area. Would  
11 you agree with that?

12 A Yes.

13 Q Walk me through what you remember happening in  
14 the days leading up to the Monterrosa shooting?

15 A So I think one of the ones that really stands  
16 out to me was the -- I believe this was a day or two  
17 prior to that shooting, was the federal officer that was  
18 shot in downtown Oakland during a protest or riot.  
19 Generally I was aware of the unrest and violence that  
20 was occurring all over the country.

21 Specific to Vallejo, the day before there was a  
22 large protest at the Police Department. They attempted  
23 to overtake the Police Department and force their way  
24 into the doors before being eventually repelled.

25 Q Were you on duty when that happened?

1 A No.

2 Q Had you been called in for any extra shift in  
3 the days prior to Mr. Monterrosa's shooting?

4 A No.

5 Q Okay. Was it your normal shift on January  
6 2nd -- sorry. It's been a long day. It's nearly 4:00  
7 on the East Coast -- on June 2nd, 2020?

8 A No, that was not my standard shift.

9 Q Okay. Thank you. Do you remember what time of  
10 day it was that you got the call that they needed you to  
11 come in?

12 A It was early in the evening. I'm going to  
13 estimate 5:00 to 6:00 p.m.

14 Q Do you remember who called you?

15 A I do not.

16 Q Do you remember when they called you whether you  
17 were being called in for a CRT shift or a SWAT shift?

18 A We were being called in for SWAT.

19 Q So when you come in where do you report to?

20 A We initially responded to our CRT office where  
21 we collected some gear and then we responded out to the  
22 command post located at Best Buy.

23 Q And that's in the -- the Gateway Plaza?

24 A That's correct.

25 Q When you were at the CRT office my

1 understanding, in talking to Detective Wagoner, was that  
2 there really wasn't any assignment of who rides with  
3 who; it was just kind of an ad hoc process. Is that  
4 your recollection, as well?

5 A That's correct.

6 Q Do you remember how you ended up with Detective  
7 Wagoner and Detective Tonn?

8 A Well, all three of us were on the SWAT team.  
9 There was one remaining member of CRT who was not on  
10 SWAT. So we knew that we were going to be going to the  
11 SWAT command post, so we all just road up there  
12 together.

13 Q Okay. The other SWAT officers that were called  
14 in that night, they didn't report to a CRT headquarters  
15 first, did they?

16 A They did not.

17 Q They reported, you know, maybe to headquarters,  
18 but eventually you all gathered up at the Best Buy?

19 A That's correct.

20 Q Okay. I know it was Detective Wagoner's car so  
21 that's why he was driving, but was there any discussion  
22 as to who sat in the front or the back?

23 A Not that I recall.

24 Q Okay. When you get out to the command post of  
25 the Best Buy what do you recall happening?

1           A           Lieutenant Bob Knight, who is our SWAT  
2           commander, gave a briefing, outlined what the situation  
3           was and what the -- generally what the mission of the  
4           night was and designated some assignments and that's the  
5           extent of what I remember.

6           Q           Okay. What do you recall the mission of the  
7           night to be?

8           A           I don't recall specifically what it was.

9           Q           Okay. Do you recall whether you were tasked  
10          with any particular assignment during that briefing?

11          A           From my recollection Lieutenant Knight was  
12          handing out small assignments to check certain high  
13          value businesses, gun stores, pharmacies that kind of  
14          stuff. Other officers -- other SWAT officers had  
15          different assignments. That was one that he assigned us  
16          to take care of.

17          Q           He assigned you to go check to a gun store?

18          A           That was one -- that was our first assignment,  
19          was to verify that this gun store was -- there was a  
20          report that it was being looted and he asked us to go  
21          check it.

22          Q           Do you remember how that report came in? Was it  
23          a 911 call or an officer radio or --

24          A           I believe it was a 911 call.

25          Q           Okay. And when you got to the gun store was it

1 a founded call?

2 A No, not as far as I could tell.

3 Q Do you remember whether you made any other  
4 response calls prior to the call that brought you to the  
5 Walgreens?

6 A I don't remember. I don't think so.

7 Q Detective Wagoner mentioned a prior call to --  
8 he wasn't whether it was a CVS or Walgreens, but it  
9 wasn't the one where Mr. Monterrosa was shot. Do you  
10 remember going to a different CVS or Walgreens?

11 A I don't remember.

12 Q Do you remember how the call came across for you  
13 to go to the Walgreens where Mr. Monterrosa was  
14 eventually shot?

15 A Yes.

16 Q How did it come out?

17 A Captain Horton was the one that was watching it  
18 occur and he broadcast over the radio what he was  
19 seeing.

20 Q Was it common for Captain Horton to be out on  
21 patrol?

22 A No, that was not common. But given everything  
23 that was occurring and the amount of crime that was  
24 occurring I think it was a necessity for him to be out  
25 there.

1 Q Do you remember what he said when he came out  
2 over the radio?

3 A He just said that there was looting going on at  
4 the Walgreens on Redwood.

5 Q Did he request units to respond?

6 A I don't remember specifically.

7 Q Okay. Was there any discussion between you and  
8 Detective Wagoner and Detective Tonn about responding to  
9 the captain's call?

10 A I believe so. I don't recall specifically what  
11 the conversation was, though.

12 Q Okay. It's my understanding that the captain  
13 was in an unmarked car parked by the railroad tracks; is  
14 that accurate?

15 A That's correct.

16 Q Okay. When you were responding to his call why  
17 did you go to him as opposed to the Walgreens?

18 A Well, we were already on Redwood Street,  
19 somewhere in the area of Redwood Street and Tuolumne,  
20 Tuolumne Street. And that's about a mile from where  
21 Captain Horton was and it just so happened that we saw  
22 him as we drove down Redwood Street.

23 Q Okay. So you saw him before you got to the  
24 Walgreens?

25 A Yes. He was parked at the intersection. I

1 don't remember if he stated where he was, but I just  
2 remember seeing his car there.

3 Q Okay. And he was in an unmarked Ford Explorer?

4 A Yes.

5 Q Do you remember whether the captain was in  
6 uniform?

7 A I believe he was, yes.

8 Q When you pull up to where the captain is parked  
9 do you have any conversation with him?

10 A We had a very brief conversation.

11 Q Okay. What's very brief? Ten seconds? 30  
12 seconds? A minute?

13 A Five to ten seconds maximum.

14 Q Okay. And what was said in that five to ten  
15 second conversation?

16 A I can't recall specifically, but he pointed to  
17 the Walgreens. He told us there was looting going on,  
18 which was obvious because we could see people in the  
19 parking lot. He said I'm going to go this way and he  
20 made a motion that he was going to go north on Broadway.  
21 And he said I want you guys to go that way, and motioned  
22 that we should continue driving on Redwood. And then he  
23 drove away.

24 Q And this conversation happened your window to  
25 his window?



1 A Correct.

2 Q While you're having the conversation you said  
3 you could see people in the parking lot looting,  
4 correct?

5 A Yes.

6 Q So by that you could see people carrying objects  
7 out of the Walgreens?

8 A I believe so, yes.

9 Q Okay. While you were sitting there did you  
10 observe anyone with firearms?

11 A Not in that very brief moment, no.

12 Q Okay. When you were driving how long did it  
13 take for you to get from where you were talking to the  
14 captain to the entrance of the Walgreens parking lot?

15 A Ten seconds or less.

16 Q Are you looking at the parking lot while that's  
17 going on?

18 A That's one of the things I'm looking at, yes.

19 Q You said earlier that you may have had your  
20 rifle in the truck but you didn't have it on you. What  
21 made you make the decision, you know, not to carry your  
22 rifle on you?

23 A It can be a little cumbersome in the front seat.  
24 And that's for me specifically. I'm a bigger guy.  
25 Sometimes having that rifle up in my workspace in the

1 front seat can be just more of a hindrance than help.

2 I also had determined that I was going to be  
3 deploying a flashbang. Since I was in the front right  
4 side that would be the most logical place to deploy it  
5 from. So having a rifle at my feet or between my legs  
6 while having a flashbang and attempting to get out of  
7 the car I figured could be cumbersome.

8 Q When did you make the decision that you were  
9 going to deploy the flashbang?

10 A We had discussed it at some point earlier in the  
11 night, given the level of violence and coordination with  
12 all the groups, that they're -- it may be applicable or  
13 maybe a good idea to try to deploy one.

14 Q I'll come back to that. So ten seconds. As  
15 you're driving, after you spoke with the captain, to the  
16 entrance and you're looking at the parking lot do you  
17 observe anyone with firearms during that portion of the  
18 drive?

19 A Not that exact moment, no.

20 Q Okay. When you enter the parking lot and from  
21 there until the time that Detective Wagoner puts lights  
22 and sirens on, about how much time passes?

23 A Less than ten seconds.

24 Q During that point in time were you observing  
25 people in the Walgreens parking lot?

1 A Yes. At that point I think the only person that  
2 I was observing was Mr. Monterrosa.

3 Q Okay. What was Mr. Monterrosa doing during that  
4 period of time?

5 A He was moving from the main building of  
6 Walgreens towards a car in the parking lot.

7 Q A sedan?

8 A Yes.

9 Q Okay. Walk me through what happens, in your  
10 observation, from the time that you pull into the  
11 parking lot and until Mr. Monterrosa is shot.

12 A So as we pull into the parking lot I could see  
13 Mr. Monterrosa moving from the main Walgreens building  
14 out to the vehicles or out towards the sedan in the  
15 parking lot. As we weaved through the parking lot  
16 making our approach towards them I would estimate less  
17 than a hundred feet and three to five seconds prior to  
18 us contacting him Captain Horton put out over the radio  
19 that the subjects were armed.

20 Q Okay. I imagine you continued driving?

21 A At that point we were in very close proximity to  
22 Mr. Monterrosa. Like I said, we were driving at a  
23 normal speed, but we were a hundred feet or less from  
24 him and we were in a wide open parking lot. So, yes, we  
25 continued.

1 Q Okay. When did the lights and sirens go?

2 A Just before we stopped. A second or two before  
3 we stopped.

4 Q Okay. What's Mr. Monterrosa doing when Captain  
5 Horton puts out on the radio that they're armed?

6 A He is approaching the sedan that was in the  
7 parking lot.

8 Q Are the doors to the sedan open?

9 A The back left door was open.

10 Q By the back left you mean back driver's side?

11 A Correct.

12 Q Okay. Did you believe that he was going to get  
13 into that back left driver's side door?

14 A It looked as though that may have been his  
15 intent.

16 Q Walk me through what you observe from  
17 Mr. Monterrosa, from him running from the building until  
18 he dies.

19 A As we're approaching and Detective Wagoner has  
20 activated his overhead lights, this is all occurring  
21 within five seconds or less. Mr. Monterrosa is running  
22 up to the black sedan. It looks like he throws  
23 something in the backseat, potentially tries to get into  
24 the backseat. And the vehicle takes off. And by that I  
25 mean it drives forward maybe ten to fifteen feet. He

1 tries to catch up to it, possibly tries to get into the  
2 backseat again, at which point the Altima then just  
3 speeds off. And as it did that it was about the time  
4 that Detective Wagoner was activating his overhead  
5 lights.

6 And as we were approaching Mr. Monterrosa then  
7 he immediately spun towards us. He went down to his  
8 right knee. So his right knee was down and his left  
9 knee was towards the ground. He spun towards us and  
10 fully faced our vehicle.

11 I saw he had something in his right hand that  
12 was up near his chest. He was holding -- I thought it  
13 was a firearm because it was dark in color, and he was  
14 holding it like you would hold a firearm. And this is  
15 all occurring, like I said, within three to five  
16 seconds. This also was occurring as I'm attempting to  
17 get out of the truck.

18 Q I'm going to back up and break that down a  
19 little bit. So he runs out to the sedan, threw  
20 something in the backseat. As he's running out to the  
21 sedan is he carrying anything? You know, we're talking  
22 about the looters carrying objects. Are you seeing him  
23 carrying anything to the sedan.

24 A He had a backpack on and he had a hoodie on with  
25 the hood up. I couldn't see anything specifically but

1 he was wearing a hoodie.

2 Q Did he throe the backpack into the car?

3 A I don't know.

4 Q Okay. So he tries to get into the car. The car  
5 moves forward ten feet and then he runs forward and  
6 tries to get in again?

7 MS. KNIGHT: Objection. Misstates testimony.

8 MR. COYLE: I'm sorry. That's -- I mean that as  
9 a question. I'm trying to make sure that I understand  
10 the picture of what happened.

11 THE WITNESS: After the car took off the first  
12 time he tried to catch up to the car. I can't say what  
13 his intent was but he tried to catch up to the car and  
14 he was near the backseat and then the car ultimately  
15 just took off.

16 BY MR. COYLE:

17 Q Okay. And you said when the car took off he  
18 then turns towards your vehicle?

19 A Yes.

20 Q Is your vehicle stopped at that point?

21 A It is either -- we're doing three to five miles  
22 an hour or we're fully stopped or somewhere right in  
23 between there.

24 Q And you said he dropped to a knee?

25 A Well, he was -- he spun towards us, fully faced

1       our car, and then went to one knee. So one knee down  
2       and one knee up.

3       Q       And you said his right knee was on the ground?

4       A       Yes.

5       Q       And as he's spinning I know you testified that  
6       he raised an object to chest level. Was the object  
7       already raised as he's spinning or does he raise it as  
8       he's spinning?

9       A       It was already up near his chest as he's  
10      spinning.

11      Q       And was it your belief that he was pointing the  
12      object at you?

13      A       It was pointed, yes, at our -- generally our  
14      car, yes.

15      Q       How long after Mr. Monterrosa spins and points  
16      the object at your car does Detective Tonn discharge?

17      A       Within a second or two.

18      Q       Did he say anything before discharging?

19      A       Not that I remember.

20      Q       When he discharges do you remember how many  
21      shots were fired?

22      A       I think at the time I recalled seven, but I know  
23      that it was only five.

24      Q       And when they were fired was it in one burst or  
25      was there gaps in between?

1           A           It was in one consistent burst or one continuous  
2           burst.

3           Q           And about how long did it take for him to fire  
4           those five shots?

5           A           A second and a half maybe.

6           Q           As Detective Tonn begins discharging,  
7           Mr. Monterrosa is directly facing your vehicle?

8           A           Yes.

9           Q           Were you watching Mr. Monterrosa as the shots  
10          were fired?

11          A           I was actually in the process of two separate  
12          things. I had a flashbang in my hand and I was kind  
13          of -- not fumbling. I think that's the wrong word, but  
14          I was moving it from hand to hand. I was also  
15          functioning the door and attempting to get out of the  
16          car and plant my feet firmly from the vehicle. So there  
17          was a time from where I was getting out of the car to  
18          where I was on the ground and flat footed that I could  
19          not see Mr. Monterrosa.

20          Q           Okay. Did that time period coincide with while  
21          the shots were being fired?

22          A           Yes.

23          Q           The flashbang that you had in your hand is --  
24          I've never seen a flashbang. Is it like a grenade where  
25          you pull a pin out and then you hold the thing down and



1 then when you throw out and release it it's like on a  
2 timer?

3 A That's correct, yes.

4 Q Cartoons is my only understanding. I apologize.  
5 Was the pin pulled out of the flashbang?

6 A No.

7 Q Okay. I know you said you were getting out of  
8 the car as the shots were happening. Were you looking  
9 at Mr. Monterrosa when the shots began?

10 A I don't remember.

11 Q Okay. When you get out of the car and you get  
12 your feet on the ground and you look at Mr. Monterrosa  
13 have the shots stopped?

14 A Yes.

15 Q What is Mr. Monterrosa doing?

16 A He was lying on the ground.

17 Q Is he facedown or on his back or on his side?

18 A Somewhere between facedown and on his right  
19 side.

20 Q And is his head towards the vehicle, away from  
21 the vehicle or perpendicular with the vehicle?

22 A Away from the vehicle.

23 Q What do you do after the shots stopped?

24 A Well, so during this I'm obviously -- this is a  
25 very dynamic event, right? This is two to three seconds

1 maximum. So the shots are occurring as I'm getting out  
2 of the car. I'm also perceiving what his actions are at  
3 the time of him spinning, presenting that object which I  
4 thought looked to be a gun in his right hand. So by the  
5 time I actually planted my feet on the ground from a  
6 vehicle that had just been moving, I determined that was  
7 a lethal force situation and I drew my gun.

8 Q Do you hear Detective Tonn say anything?

9 A No.

10 Q Do you hear Detective Wagoner say anything?

11 A No.

12 Q After you draw your gun do you say anything to  
13 Detective Tonn or Detective Wagoner?

14 A Not at that moment, no.

15 Q Okay. What do you recall happening next?

16 A The black sedan that he -- that Mr. Monterrosa  
17 was trying to get into was in the parking lot and  
18 collided head on with Captain Horton and I thought it  
19 was going to be disabled, but it was actually able to  
20 squeeze by him and get out onto Broadway Street. In  
21 anticipation of the vehicle becoming disabled I ran out  
22 to Broadway Street to have to address that situation, if  
23 there was a disabled vehicle or somebody ran on foot or  
24 something like that.

25 Q So you were not present when Detective Wagoner

1       approached Mr. Monterrosa and he was handcuffed?

2       A       No, I was.

3       Q       You were. Okay. So you run out to Broadway  
4       Street and you see that the car gets away. What  
5       happened next?

6       A       I turn back towards Mr. Monterrosa and Detective  
7       Tonn and Detective Wagoner. I could see  
8       Mr. Monterrosa -- I tried to put out some radio traffic  
9       about shots being fired, our belief that he was armed  
10      and several vehicles taking off at the same time. I  
11      requested a medic and then I tell Detective Tonn and  
12      Detective Wagoner to -- let's make an approach to  
13      Mr. Monterrosa.

14      Q       When you approach Mr. Monterrosa is he moving?

15      A       No.

16      Q       Who placed him in handcuffs?

17      A       Detective Wagoner and I both placed him in  
18      handcuffs.

19      Q       Is a search of Mr. Monterrosa done at that time?

20      A       Yes.

21      Q       What do you uncover?

22      A       We found a large framing hammer that was down  
23      the front of his pants or in his sweatshirt. There is a  
24      knife in his pocket and I think that's the extent of  
25      what I remember pulling off of him.

1 Q So you said the framing hammer was either down  
2 the pants or in his sweatshirt?

3 A I believe it was concealed by the sweatshirt,  
4 but shoved down the front of his pants.

5 Q So it was inside sort of the waistband of his  
6 pants?

7 A That was my recollection, yes.

8 Q And am I correct that no firearm was recovered?

9 A Correct.

10 Q You said you recovered a knife?

11 A I believe there was a knife in one of his  
12 pockets, yes.

13 Q Okay. What kind of knife?

14 A My recollection is that it was a small folding  
15 knife.

16 Q Okay. After you searched Mr. Monterrosa and  
17 he's handcuffed what do you recall happening next?

18 A I evaluated his injuries. I determined that I  
19 probably needed to start CPR based on the nature of the  
20 injury. We then un-handcuffed Monterrosa and I began  
21 CPR.

22 Q Do you recall how long it took for the captain  
23 to get to where Mr. Monterrosa had fallen?

24 A I believe that he probably arrived about the  
25 same time we did.